FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.614 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.M.K.Kocharkar for the Applicant.
Mr.P.S.Hingorani, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 15/2/2006.

P.C.

1. Heard both sides.

2. Rule. By consent, rule is made returnable forthwith.

3. It is seen from the record that by an order dated 15.12.2005 Additional Chief Metropolitan Magistrate 47the Court, Esplanade, Mumbai convicted the accused for an offence punishable under Section 171(d) (f), 109 of the I.P.C. and sentenced him to suffer R.I. for 30 days. Since no appeal lies in view

of the provisions of Section 376(b), the revision is filed in the Sessions Court. I find that the Addl.Sessions Judge without any proper application of mind has rejected the revision by a two page order without discussing the entire evidence adduced by the prosecution. The revision is dismissed on the ground that the accused was caught 100 yards from the polling booth. The Judge has referred to the defence that accused had gone there to find out whether his name was in the voters list. With the observation that, that is not the place to do so the Sessions Court has concluded that sufficient material was brought through the testimony of P.W.No.1 that an attempt was made to impersonate and vote at that polling station. There appears to be no logic in the finding that merely because the accused was caught 100 yards away from the polling booth it could be said that he was attempting to impersonate and vote at the polling station. The evidence of

P.W.No.1 is not discussed. It is necessary that revision is required to be decided with the proper reasoning. In the circumstances, the impugned judgment and order passed by the Addl. Sessions Judge on 19.1.2006 in Cri.Revision Application No.1700/2005 is quashed and set aside and the matter is remanded back to the revisional court for fresh reasoned decision according to law. Rule is made absolute in the above terms.

(R. S. MOHITE, J.)